

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DATE FILED: 7/16/13

JAMAL EUTSEY,

Plaintiff,

13 Civ. 3305 (JGK)

- against -

MEMORANDUM OPINION
AND ORDER

ON GUARD, LTD., ET AL.,

Defendants.

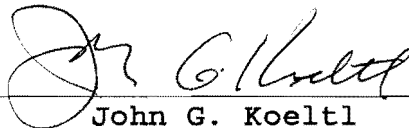
JOHN G. KOELTL, District Judge:

The parties have advised the Court that they have reached a settlement agreement and have submitted a stipulation of voluntary dismissal "with prejudice, and with no award of attorneys' fees or costs by the Court to any party." Federal Rule of Civil Procedure 41(a)(1)(A)(ii) provides for voluntary dismissal without a Court order "[s]ubject to . . . any applicable federal statute." Under the Fair Labor Standards Act ("FLSA"), a private party may not settle claims for unpaid wages unless the settlement is either (1) supervised by the Secretary of Labor, or (2) judicially stipulated and approved. See Medley v. Am. Cancer Soc'y, No. 10 Civ. 3214, 2010 WL 3000028, at *1 (S.D.N.Y. July 23, 2010). "In deciding whether to approve a stipulated settlement, the Court must scrutiniz[e] the settlement for fairness." Id. (internal quotation marks and citation omitted).

The parties should submit the settlement agreement and any additional memoranda in support of the settlement agreement to the Court for the Court's approval by July 22, 2013.

SO ORDERED.

Dated: New York, New York
July 15, 2013



John G. Koeltl
United States District Judge